

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

\_\_\_\_\_  
**IN RE:**

**MESTIB REALTY TRUST**

**DEBTOR**  
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**CHAPTER 7  
CASE NO. 16-11697-FJB**

**APPLICATION OF CHAPTER 7 TRUSTEE TO EMPLOY COUNSEL**

John O. Desmond, the Chapter 7 Trustee (“Trustee”) in the case of Mestib Realty Trust (“Debtor”), requests this Court enter an Order authorizing the employment of Kate E. Nicholson of Nicholson Herrick LLP as Counsel to the Trustee. In support hereof, the Trustee states:

1. On May 4, 2016, the Debtor filed a voluntary petition under Chapter 7 of the Bankruptcy Code. Shortly thereafter, John O. Desmond accepted the appointment as the Trustee in the Debtor’s case.
2. The Debtor’s § 341 meeting is scheduled for June 2, 2016.
3. The Trustee finds it necessary and seeks to employ Kate E. Nicholson to act as counsel for the Trustee in all bankruptcy-related matters including but not limited to the following:
  - (a) To assist the Trustee in the collection and administration of assets of the estate including filing any and all necessary pleadings and attending any hearings before the Court;
  - (b) To litigate, if necessary, any claims which the Trustee determines to be disputed, unenforceable or otherwise merits disposition by the Court;
  - (c) To prepare and file, if necessary, the legal documents to conduct a public auction and/or private sale of the debtor’s assets and to attend any hearing in connection therewith.
  - (d) To perform any and all other bankruptcy related legal services for the benefit of the Trustee and the Estate.
4. It is necessary for the Trustee to employ an attorney for perform such professional services.

5. To the best of the Trustee's knowledge, Kate E. Nicholson does not represent any interest adverse to the estate in matters upon which she is to be employed and is a "disinterested person" as that term is defined in 11 U.S.C. § 101(14) as it applies to § 327.
6. Any and all prior representation of any entity in this case has been disclosed and are set forth in the Affidavit of Kate E. Nicholson filed herewith.
7. To the best of the Trustee's knowledge, Kate E. Nicholson and Nicholson Herrick LLP have no connection with the Debtor, the Debtor's creditors, or other parties in interest, their respective attorneys and accountants.
8. Kate E. Nicholson and Nicholson Herrick LLP have received no retainer from any source whatsoever.

WHEREFORE, the Trustee requests the Court for an order authority to employ Kate E.

Nicholson of Nicholson Herrick LLP as counsel to the Trustee on a general retainer.

Respectfully submitted,

/s/ John O. Desmond  
John O. Desmond (BBO 554580)  
Trustee  
5 Edgell Road, Suite 30A  
Framingham, MA 01701  
508-879-9638

Dated: May 10, 2016

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

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CHAPTER 7  
CASE NO. 16-11697-FJB

**AFFIDAVIT OF KATE E. NICHOLSON IN SUPPORT OF TRUSTEE'S APPLICATION  
TO EMPLOY COUNSEL**

I, Kate E. Nicholson, being duly sworn, deposes and says:

1. I am a member of the bar of this Court. I am a partner of Nicholson Herrick LLP at 21 Bishop Allen Drive, Cambridge, MA 02139 and have practiced law since 2009.
2. My connections with the Debtor, any creditor, or other party in interest, their respective attorneys and accountants are as follows: None.
3. I and each member of my firm is a "disinterested person" as that term is defined in 11 U.S.C. § 101(14).
4. I have not agreed to share with any person (except members of my firm) the compensation to be paid for the services rendered in this case, except as follows: None.
5. I have not received a retainer in this case.
6. I shall amend this statement immediately upon my learning that (A) any of the within representations are incorrect or (B) there is any change of circumstances relating thereto.
7. I have reviewed the provisions of MLBR 2016-1.

I certify under the penalty of perjury that the foregoing is true and correct.

/s/ Kate E. Nicholson  
Kate E. Nicholson (BBO# 674842)  
Nicholson Herrick LLP  
21 Bishop Allen Drive  
Cambridge, MA 02139  
(857) 600-0508  
knicholson@nicholsonherrick.com

Dated: May 10, 2016

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**CERTIFICATE OF SERVICE**

I, Kate E. Nicholson, certify that I have sent a copy of this **Application of Chapter 7 Trustee to Employ Counsel** via first-class mail, postage prepaid, to the parties on the attached list who do not receive electronic notice via ECF.

/s/ Kate E. Nicholson  
Kate E. Nicholson (BBO# 674842)  
Nicholson Herrick LLP  
21 Bishop Allen Drive  
Cambridge, MA 02139  
(857) 600-0508  
knicholson@nicholsonherrick.com

Dated: May 10, 2016

### **Electronic Mail Notice List**

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- **David C. Crossley** crossleylaw@yahoo.com
- **John O. Desmond** trustee@jdesmond.com, jdesmond@ecf.epiqsystems.com
- **John Fitzgerald** USTPRegion01.BO.ECF@USDOJ.GOV

### **Manual Notice List**

Mestib Realty Trust  
1 Adams Street  
Milton, MA 02186